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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,431	09/30/2003	Patrick A. Coico	FIS920030192US1	2430

29505 7590 10/09/2007
LAW OFFICE OF DELIO & PETERSON, LLC.
121 WHITNEY AVENUE
NEW HAVEN, CT 06510

EXAMINER

BLAN, NICOLE R

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/605,431	Applicant(s) COICO ET AL.	
	Examiner Nicole Blan	Art Unit 1792	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attached. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☒ Applicant's reply has overcome the following rejection(s): 112, 1st Rejections and Claim/Specification Objections.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____
 Claim(s) objected to: _____
 Claim(s) rejected: 1-4, 6-7, and 9-14.
 Claim(s) withdrawn from consideration: 15-27.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____

DETAILED ACTION

1. The proposed After Final amendment will not be entered because it raises new issues for further search and consideration, such as broadening the limitation of the surfactants used in claim 12.

Response to Arguments

2. Applicant's arguments filed September 25, 2007 have been fully considered but they are not persuasive. In response to Applicants argument that the salt saturated solvent is not taught by Stephanie, it is noted that a) Applicants' specification is inconsistent, in some places the saturated solution is recited (abstract, 0040, 0043) in some places the salt saturated organic solvent (0016, 0022), while the saturated solution has an art recognized definition, the salt saturated solvent is not necessarily interpreted as the one where no more solute can be dissolved. It is further noted that since the presently amended claim requires the use of the solution at a high temperature (near its boiling point), the solution becomes unsaturated as soon as the temperature applies, because the laws of chemistry teach the increase of the solubility of the salts with the increase of temperature. As such the initial saturation of the solution with salt does not impart any difference since while in use such solution becomes unsaturated.

In regards to Stephanie et al. disclosing a scrubbing action used in combination with its solvent for removal of the resin, it can be pointed out that the Applicants' claims do not exclude scrubbing from being used in conjunction with the solvent for removal of the resin. Therefore, it is in fact the same solution.

In response to Applicants' argument over Stephanie et al. and Sachdev that the Examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be

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recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the invention was made, and does not include knowledge gleaned only from the Applicants' disclosure, such a reconstruction is proper. *In re McLaughlin*, 443 F.2d 1392; 170 USPQ 209 (CCPA 1971). Furthermore, it would have been obvious to a person of ordinary skill in the art to repeat cleaning steps as disclosed by Stephanie et al. in an attempt to provide an improved cleaning method, as a person with ordinary skill has good reason to pursue the known options within his or her technical grasp. In turn, because removing the bulk sealant followed by repeated cleaning to remove residual sealant as claimed has the properties predicted by the prior art, it would have been obvious to use repeated applications of solution in order to remove the residual residues.

With regard to Applicants alleged absence of the claimed composition in Sachdev, Applicant's attention is drawn to (0053 of the reference) that recites 0.05-0.5% of a non-ionic surfactant, 0.5-5% of tetralkylammonium hydroxide (reads on TEAH as disclosed in Applicants' claim 12, and listed by Applicant as a salt) and a solvent, wherein the solution causes the disintegration of a polymer [0053]. Please, note that claim 12 depends on claim 11, which depends on claim 1, therefore, the species of TEAH disclose by Sachdev anticipates the genus of the instant claim 1, and the specie of the instant claim 12. Applicants' arguments with regard to the time of cleaning are reflected in the explanation in the body of rejection.

In response to the "about 25 minutes" argument, the Examiner respectfully disagrees with the Applicants'. As stated on page 7 of the Office Action sent out July 25, 2007, "about 25 minutes" does permit some tolerance, and it would be expected that the cleaning time would

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contain errors that typically fall within a standard deviation of the measurement, which is the range claimed by Sachdev; thus, indicating similar results. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to expect similar cleaning results from 25 minutes that one would get from 30 minutes. It is to be pointed out that Sachdev teaches a time from 30 minutes to 8 hours, and the fact that the lower limit disclosed by Sachdev is 30 minutes it renders the range claimed by the Applicants' "close enough" to expect similar cleaning results.

In response to the arguments with regards to Stephanie et al. in view of Sachdev, please refer to the rebuttals above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole Blan whose telephone number is 571-270-1838. The examiner can normally be reached on Monday - Thursday 8-5 and alternating Fridays 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NRB



MICHAEL B. CLEVELAND
SUPERVISORY PATENT EXAMINER